

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior version, and listings, of claims in the application:

**Listing of Claims:**

Claims 1-18 (canceled).

19. (New) A method for detecting an occupancy state of a seat in a vehicle, comprising:
  - recording a 3D image of the seat using an image recording system;
  - obtaining a 3D pattern of the seat;
  - evaluating the 3D image of the seat with respect to at least one of the occupancy state of the seat and an occupancy type of the seat, wherein the evaluation includes consideration of the 3D pattern of the seat; and
  - activating a restraint mechanism associated with the seat, as a function of at least one of the occupancy state of the seat and the occupancy type of the seat.
20. (New) The method as recited in Claim 19, wherein the 3D pattern of the seat is subdivided into partial regions of the seat, and the evaluation of the 3D image includes evaluation of the partial regions of the 3D pattern of the seat.
21. (New) The method as recited in Claim 20, wherein the evaluation of the partial regions of the 3D pattern includes evaluation of mutual relationships of the partial regions with one another.
22. (New) The method as recited in Claim 19, wherein the 3D pattern of the seat is a wire screen model representing an approximation of the real shape of the seat.
23. (New) The method as recited in Claim 19, wherein the 3D pattern of the seat is derived from seat manufacturer's specification of the seat.
24. (New) The method as recited in Claim 19, wherein the 3D pattern of the seat is derived in an initialization step from a 3D image of the seat in an unoccupied state under specified surrounding conditions.
25. (New) The method as recited in Claim 19, wherein, if a deviation between the 3D image and the 3D pattern exceeds a predetermined minimum value, it is concluded that the seat is occupied.

26. (New) The method as recited in Claim 20, wherein, based on a comparison between a predetermined minimum value and a deviation between at least one selected partial region of the 3D pattern and a corresponding partial region of the 3D image, a type of at least one of an object and a person occupying the seat is determined.

27. (New) The method as recited in Claim 26, wherein predetermined parameters of the at least one of the object and the person are further determined.

28. (New) The method as recited in Claim 25, wherein determination of the occupancy state is regarded as conclusive only if essentially identical evaluation result is obtained over a plurality of sequential time points.

29. (New) The method as recited in Claim 28, wherein, for the determination of the occupancy state, a temporal filtering is performed, including ascertaining one of a moving average and a median value of the deviation.

30. (New) The method as recited in Claim 19, wherein, for the evaluation, at least one of measured data corresponding to the 3D image and data corresponding to the 3D pattern are transformed to provide a uniform data format for the 3D image and the 3D pattern.

31. (New) A system for determining an occupancy state of a seat in a vehicle, the occupancy state being considered in the activation of a restraint mechanism associated with the seat, the system comprising:

- an image recording system for recording a 3D image of the seat; and
- an evaluation circuit for evaluating the 3D image of the seat with respect to at least one of the occupancy state of the seat and an occupancy type of the seat, wherein the evaluation includes comparing a 3D pattern of the seat to the recorded 3D image of the seat.

32. (New) The device as recited in Claim 31, wherein the 3D pattern of the seat is subdivided into partial regions of the seat, and the evaluation of the 3D image includes evaluation of the partial regions of the 3D pattern of the seat.

33. (New) The device as recited in Claim 31, further comprising a memory associated with the evaluation circuit for storing data for the 3D pattern, wherein the 3D pattern is in the form of a wire screen model.
34. (New) The device as recited in Claim 33, wherein the 3D pattern data is obtained from an external source.
35. (New) The device as recited in Claim 33, wherein the 3D pattern data are derived in an initialization step from 3D image data of an unoccupied seat under predefined surrounding conditions.
36. (New) The device as recited in Claim 13, wherein the evaluation circuit includes a filter circuit for temporal filtering of a plurality of evaluation results sequentially obtained over time.